

REMARKS

This application has been carefully reviewed in view of the Office Action dated March 5, 2010. All rejections are respectfully traversed and reconsideration is respectfully requested.

INTERVIEW SUMMARY

On May 4, 2010, the undersigned spoke with Examiner Moorthy regarding the present rejections. The amendments to claim 1 were discussed and Examiner Moorthy agreed that this overcomes the cited reference. Examiner Moorthy further indicated that he shared my desire to finally dispose of this application as soon as possible and if additional art or grounds for rejection are identified, the undersigned will be contacted by telephone by Examiner Moorthy to discuss possible amendments prior to issuance of a new rejection.

Applicant appreciates the courtesies extended by Examiner Moorthy in the above interview. Applicant reserves the right to present the unamended claims at a later time and makes no concession as to the correctness of any position of the Office presented in the present Office Action.

Regarding the Rejection Under 35 U.S.C. § 102

Claims 1, 5-7, 12 and 16-22 were rejected under 35 U.S.C. § 102 as anticipated by the Ranjan reference of record. Applicants respectfully traverse this rejection as follows:

For the Patent Office to establish anticipation, MPEP § 2131 requires that the Patent Office must show where each and every element of the claims is shown in a single reference. Further, the elements must be arranged as required by the claims and each word of the claims must be considered. The requirement that each and every element be disclosed in the manner claimed is a rigorous standard that the Patent Office has not met in this case.

Within the context of these rigid requirements for a valid rejection under 35 U.S.C. § 102(e), Applicants have studied the Ranjan reference and the language of the claims. As discussed with Examiner Moorthy, the meaning of the term "point of deployment module" has been explicitly defined as being consistent with the definition of the OpenCable™ specification. This issue has been previously discussed, and hence the prior discussion need not be repeated.

Application No.: 10/774,870

Regarding the rejection of independent claims 1, 5-7, 12 and 16-22, each of these unamended claims recites, for the respective method or device, among other things, a "point of deployment module", and explicitly defines actions carried out in such point of deployment module. Such point of deployment module may be in the form of a CableCARD used in conjunction with a host television Set-Top Box or other television receiver. (See Specification, page 3, lines 23-27). It is heretofore unknown to use such a point of deployment module (POD) for purposes of transcoding.

The Patent Office alleges that the Ranjan reference discloses Applicants' claimed point of deployment module and cites element 1 of Fig. 1 in making the rejection. However, Examiner Moorthy agrees that this reference fails to disclose that transcoding takes place in such a POD module.

The undersigned has amended the claims assure that the term "co-located" cannot be construed as broadly meaning within the same home network, and has further made the language more explicit as to the communication of signals between the POD and the television receiver device and to further make more explicit the functions being carried out in the POD module. In view of this clarification, reconsideration and allowance are respectfully requested at an early date.

Amendments

The above amendments are presented as a result of the telephone interview with Examiner Moorthy and are offered in an attempt to expedite prosecution of the present application. In accord with this amendment, all claims now clearly call for the POD module to be installed into the television receiver device, receive encrypted content, decrypt the content, transcode the content, and re-encrypt the transcoded content (to paraphrase without intent of adding further limitations). Hence, all claims now clearly distinguish over the known art and allowance is respectfully requested.

Concluding Remarks

Applicants respectfully submit that claims 1-22 are in condition for allowance without

Application No.: 10/774,870

amendment. The claims remaining after amendment are hence clearly allowable and notice of the same is requested at the earliest possible date. Applicants reserve the right to provide additional arguments against the rejection of these claims in the future if needed. In view of the above, reconsideration and allowance are respectfully requested. If any issues remain, the Examiner is encouraged to contact the undersigned to expedite allowance and issue and avoid the necessity and expense of appeal.

The undersigned additionally notes that many distinctions exist between the cited art and the claims. However, in view of the deficiencies discussed above, further discussion is believed to be unnecessary at this time. Failure to address each point raised in the Office Action should accordingly not be viewed as accession to the Examiner's position or an admission of any sort.

No amendment made herein was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim unless an argument has been made herein that such amendment has been made to distinguish over a particular reference or combination of references.

Interview Request

In view of this communication, all claims are now believed to be in condition for allowance and such is respectfully requested at an early date. If further matters remain to be resolved, the undersigned respectfully requests the courtesy of an interview. The undersigned can be reached at the telephone number below.

Respectfully submitted,

/Jerry A. Miller 30779/
Jerry A. Miller
Registration No. 30,779
Dated: 5/5/2010

Miller Patent Services
2500 Dockery Lane
Raleigh, NC 27606
Phone: (919) 816-9981
Customer Number 24337

Application No.: 10/774,870